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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,557	01/16/2002	Daniel Roy Schlee	SCHLEE0201	9638
24507 7590 08/10/2007 MICHAEL BLAINE BROOKS, P.C. P.O. BOX 1630 SIMI VALLEY, CA 93062-1630			EXAMINER NGUYEN, TRI V	
			ART UNIT 1751	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/051,557

Applicant(s)

SCHLEE, DANIEL ROY

Examiner

Tri V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-47 is/are rejected.
- 7) ☒ Claim(s) 22 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on has been entered.

### ***Response to Amendment***

2. In the amendment filed on 05/24/07, Claims 20-47 have been added and Claims 1-19 have been cancelled. The currently pending claims considered below are Claims 20-47.

### ***Claim Objections***

3. Claims 20, 22 and 36 are objected to because of the following informalities: The word "and" in lines 13 and 14 of claim 20 is misplaced, it should be in line 15 and the acronym "UCC" should be defined the first employed.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20 and 34 include the limitation "both defined" (line 27 of claim 20 and line 32 of claim 34); it is unclear as to the items referenced by "both".

***Claim Rejections - 35 USC § 102***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 20, 26 - 30, 32, 34, 40-44 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Postrel (US 2004/0220854).

Claim 20: Postrel discloses a method of promotional data delivery, the method comprising the steps of:

(a) interfacing between a host computer and one or more promoters comprising the steps of:

(1) defining, by the one or more promoters, one or more promotional materials (parag. 11, 15, 18 and 22); and

(2) inputting one or more target consumer profiles corresponding to the one or more promotional materials by the one or more promoters into a database of the host (parag. 11, 15, 18 and 22);

(b) interfacing between the host computer and one or more subscribing consumers wherein the step of interfacing between the host computer comprises the steps of:

(1) presenting one or more profiling queries, by the host computer, to the one or more subscribing consumers (parag. 11, 15, 18, 22, 34 and 57);

(2) transmitting, by the one or more subscribing consumers to the host computer, responses to the one or more profiling queries (parag. 11, 15, 18, 22, 34 and 57); and

(3) displaying, by the host computer, promotional product information (parag. 11, 15, 18, 22, 34 and 57); and

(4) requesting, by the subscribing consumers, specific promotional materials (parag. 11, 15, 16, 18, 22, 34 and 57);

(5) storing, by the host computer in the database, one or more subscribing consumer profiling queries and the requests by the one or more subscribing consumers (parag. 11, 15, 16, 18, 22, 34 and 57);

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- (c) searching, by the host computer, the database comprising the one or more subscribing consumer profiles; said searching based on target consumer profiles (parag. 11, 15, 16, 18, 22, 34 and 57);
- (d) identifying, by the host computer, subscribing consumer profiles satisfying said searching based on target consumer profiles (parag. 11, 15, 16, 18, 22, 34 and 57);
- (e) establishing, by the host computer, from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters (parag. 11, 15, 16, 18, 22, 34 and 57);
- (f) printing, by one or more printers attached to the host computer, promotional materials for the targeted consumers and one or more of the promotional materials both defined by the promoters and selected by the one or more subscribing consumers (parag. 21, 40-43 and 70);  
and
- (g) delivering by at least one of: first class mail, parcel post, and a delivery service, to each subscribing consumer, the printed promotional materials selected by each respective subscribing consumer and the promotional materials established for each as a targeted consumer (parag. 21, 40-43 and 70).

Claim 26: Postrel discloses the method of promotional data delivery of claim 20 further comprising the step of combining, prior to the step of printing, the consumer requested promotional material and promoter defined promotional material (parag. 11, 15, 18, 21, 22, 34, 40-43, 57 and 70).

Claim 27: Postrel discloses the method of promotional data delivery of claim 20 wherein the step of interfacing between the host computer and one or more promoters further comprises the step of defining: a coupon offer code; a description of the products required to be purchased; a value of the coupon; and an expiration date (parag. 11, 15, 16, 18, 22, 34 and 57).

Claim 28: Postrel discloses the method of promotional data delivery of claim 20 wherein the step of searching, by the host computer, the database comprising the one or more subscribing consumer profiles further comprises the step of querying by the promoter to interrogate a relational database comprising information including personal, demographical information

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provided by the participating consumers and information of the participating consumers provided by third parties (see at least parag. 34).

Claim 29: Postrel discloses the method of promotional data delivery of claim 20, further comprising the steps of:

identifying subscribing consumer profiles (parag. 25-30 and 59-60);

establishing from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters without the targeted consumer directly requesting the promotional materials (parag. 25-30 and 59-60); and

wherein the step of delivering comprises a definable delivery interval (parag. 25-30 and 59-60).

Claim 30: Postrel disclose the method of promotional data delivery of claim 20 wherein the step of interfacing between the host computer and one or more promoters further comprises the step of defining one or more targeted consumer profiles comprising gender and age criteria (parag. 38).

Claim 32: Postrel disclose the method of promotional data delivery as claimed in claim 20, the method further comprising the step of tracking, by the promoters, scanned coupon redemptions (parag. 22-26 and 70).

Claims 34, 40-44 and 46 describe the system of the method of Claims 20, 26-30 and 32 respectively; therefore, the prior art of Postrel as set forth above is relied upon to reject Claims 34, 40-44 and 46.

### ***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 21, 24, 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel as applied to claims above, and further in view of Simpson. (US 2001/0049627).

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Claim 21: Postrel disclose the method of promotional data delivery of claim 20 but does not explicitly disclose wherein the promotional materials comprise a coupon and the step of interfacing between the host computer and one or more promoters further comprises the step of defining one or more products associated with the coupon for a consumer interface wherein the defining includes representing textually or graphically each of the one or more products including a product brand name. In an analogous art, Simpson recites the feature of coupon with graphics and text (see figs 4 and 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Postrel. One would have been motivated to enhance brand name recognition via the distribution and consumption of the coupons.

Claim 24: Postrel disclose the method of promotional data delivery of claim 20 but does not explicitly disclose wherein the step of interfacing between the host computer and one or more promoters further comprises the step of defining a target consumer profile comprising US Zip code regions comprising at least a first portion of a US Zip code. In an analogous art, Simpson recites the feature of using zip codes in the distribution scheme (parag. 32-34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Postrel. One would have been motivated to restrict or define a specific geographical region in the distribution of the coupons for marketing purposes (e.g. targeted promotional campaign).

Claims 35 and 38 describe the system of the method of Claims 21 and 24 respectively; therefore, the prior art of Postrel and Simpson as set forth above is relied upon to reject Claims 35 and 38.

9. Claims 22, 31, 33, 36, 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel as applied to claims above, and further in view of Christensen et al. (US 5710886) or Hull et al. (US 2001/0042008)

Claim 22: Postrel disclose the method of promotional data delivery of claim 20 but does not explicitly disclose wherein the step of interfacing between the host computer and one or more promoters further comprises the step of defining content of the promotional material; wherein

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the one or more promoters are one or more manufacturers and wherein the promotional material is a manufacturer coupon having content comprising: at least one product associated with the manufacturer coupon; a coupon bar code; an extended bar code; a UCC code assigned to an interfacing manufacturer; a coupon family code; a value of the coupon; and at least one of: a serial number consumer identification code and a bar code representation of a serial number consumer identification code; and wherein the method further comprises the steps of:

assessing individual purchasing habits by an issuing manufacturer via the serial number consumer identification code;

determining, by the issuing manufacturer, a redemption rate of the coupon via the serial number consumer identification code; and

determining by the issuing manufacturer, an effectiveness of the target profile via the serial number consumer identification code.

Postrel teaches the feature of tracking the coupons via barcodes and serial numbers to assess the effectiveness of the promotion (parag. 21, 40-43 and 70). In an analogous art, Christensen et al. or Hull et al. teach the feature of monitoring a promotional campaign that includes determining the buying habits of the users (see at least Christensen et al.: col 10, line 5 to col 11, line 13 and Hull et al.: parag. 27-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Postrel. One would have been motivated to monitor the purchasing habits to assess the effectiveness of the promotion and adjust the parameters to improve the promotion.

Claim 31: Postrel disclose the method of promotional data delivery of claim 20, wherein the promotional materials comprise a coupon comprising: a coupon bar code; a value of the coupon; expiration date; and at least one of a serial number consumer identification code and a bar code representation of a serial number consumer identification code (parg. 38) but does not explicitly disclose wherein the method further comprises the steps of: assessing individual purchasing habits by the promoter via the serial number identification code; determining, by the promoter, a redemption rate of the coupon via the serial number consumer identification code; and determining by the promoter, an effectiveness of the target profile via the serial number consumer identification code. Postrel teaches the feature of tracking the coupons via barcodes and serial numbers to assess the effectiveness of the promotion (parag. 21, 40-43 and 70). In an analogous art, Christensen et al. or Hull et al. teach the feature of monitoring a promotional



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campaign that includes determining the buying habits of the users (see at least Christensen et al.: col 10, line 5 to col 11, line 13 and Hull et al.: parag. 27-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Postrel. One would have been motivated to monitor the purchasing habits to assess the effectiveness of the promotion and adjust the parameters to improve the promotion.

Claim 33: Postrel disclose the method of promotional data delivery of claim 20 further comprising the steps of:

identifying subscribing consumer profiles (parag. 25-30 and 59-60);

establishing from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters without the targeted consumer directly requesting the promotional materials (parag. 25-30 and 59-60);

tracking, by the promoters, scanned coupon redemptions (parag. 22-26 and 70) and

wherein the step of delivering comprises a definable delivery interval (parag. 22-26 and 70); and

wherein the step of searching, by the host computer, the database comprising the one or more subscribing consumer profile further comprises the step of querying by the promoter to interrogate a relational database comprising all of the personal demographic and other information provided by the participating consumers and information of the participating consumers provided by third parties (parag. 34); and

wherein the one or more targeted consumer profiles further comprise gender and age criteria (parag. 34); and

wherein the promotional materials comprise a coupon comprising: a coupon bar code; a value of the coupon; expiration date; and at least one of a serial number consumer identification code and a bar code representation of a serial number consumer identification code and but does not explicitly disclose wherein the method further comprises the steps of: assessing individual purchasing habits by the promoter via the serial number consumer identification code; determining, by the promoter, a redemption rate of the coupon via the serial number consumer identification code; and determining by the promoter, an effectiveness of the target profile via the serial number consumer identification code. Postrel teaches the feature of tracking the coupons via barcodes and serial numbers to assess the effectiveness of the promotion (parag. 21, 40-43 and 70). In an analogous art, Christensen et al. or Hull et al. teach the feature of

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monitoring a promotional campaign that includes determining the buying habits of the users (see at least Christensen et al.: col 10, line 5 to col 11, line 13 and Hull et al.: parag. 27-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Postrel. One would have been motivated to monitor the purchasing habits to assess the effectiveness of the promotion and adjust the parameters to improve the promotion.

Claims 36, 45 and 47 describes the system of the method of Claims 22, 31 and 33; therefore, the prior art of Postrel and Christensen et al. or Hull et al. as set forth above is relied upon to reject Claims 36, 45 and 47.

10. Claims 23 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel as applied to claims above, and further in view of Conner ("Picking up the perks." Northwest Florida Daily News. Fort Walton Beach, Fla.: Oct 8, 2000).

Claim 23: Postrel discloses the method of promotional data delivery of claim 20 but does not explicitly disclose wherein one or more promoters are one or more manufacturers and the promotional materials are coupons and wherein the step of interfacing between the host computer and one or more manufacturers further comprises the step of defining, by at least one manufacturer, the coupon as either a manufacturer coupon or a military coupon, and wherein the printing step further includes printing a designation on a coupon as either a manufacturer coupon or a military coupon. Postrel disclose the feature of various types of customized coupons and offers (parag. 38-43). In an analogous art, Conner teaches the feature military coupons to enhance patriotic feelings (see abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Postrel. One would have been motivated to dispense labeled military coupons to ensure the distribution of the coupons to the targeted audience.

Claim 37 describes the system of the method of Claim 23; therefore, the prior art of Postrel and Conner as set forth above is relied upon to reject Claim 37.

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11. Claims 25 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel as applied to claims above, and further in view of Perkins ("Air Options for Seniors." The Record, NJ: Dec 3, 2000) or Mattson ("Discounts make retirement travel easier." Richmond Times - Dispatch. Richmond, VA: sep. 21, 1986).

Claim 25: Postrel disclose the method of promotional data delivery of claim 20 but does not explicitly disclose wherein the step of interfacing between the host computer and one or more promoters further comprises the step of defining: a minimum age of the targeted consumer; a maximum age of the targeted consumer; a maximum number of recipients to be targeted; at least one duplication criterion to prevent consumers from receiving redundant promotional materials within a set period of time; and at least one priority setting criterion for prioritizing the rank or relationship of the criterion. Postrel disclose the feature of various types of customized coupons and offers based on criteria such as age and gender (parag. 38). In an analogous art, Perkins or Mattson teaches the feature coupons based on a specific age (see both abstracts). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Postrel. One would have been motivated to ensure the distribution of the coupons to the targeted audience.

Claim 39 describes the system of the method of Claim 25; therefore, the prior art of Postrel and Perkins as set forth above is relied upon to reject Claim 39.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 27, 2007

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